

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:

**Mountain Express Oil Company, *et al.*,
Debtors.¹**

§

§ **Chapter 11**

§

§ **Case No. 23-90147 (DRJ)**

§

§ **Jointly Administered**

§

CHAPTER 11 TRUSTEE'S EMERGENCY MOTION FOR STATUS CONFERENCE

Emergency relief has been requested. Relief is requested not later than August 21, 2023.

If you object to the relief requested or you believe that emergency consideration is not warranted, you must appear at the hearing if one is set, or file a written response prior to the date that relief is requested in the preceding paragraph. Otherwise, the Court may treat the pleading as unopposed and grant the relief requested.

A hearing is requested on this matter on August 21, 2023 at 8:00 a.m. in Courtroom 400, 4th floor, 515 Rusk, Houston, Texas 77002. You may participate in the hearing either in person or by an audio and video connection.

Audio communication will be by use of the Court's dial-in facility. You may access the facility at 832-917-1510. Once connected, you will be asked to enter the conference room number. Judge Jones' conference room number is 205691. Video communication will be by use of the GoToMeeting platform. Connect via the free GoToMeeting application or click the link on Judge Jones' home page. The meeting code is "JudgeJones." Click the settings icon in the upper right corner and enter your name under the personal information setting.

Hearing appearances must be made electronically in advance of both electronic and in-person hearings. To make your appearance, click the "Electronic Appearance" link on Judge Jones's home page. Select the case name, complete the required fields and click "submit" to complete your appearance.

¹ A complete list of each of the Debtors in these chapter 11 cases may be obtained on the website of the Debtors' claims and noticing agent at www.kccllc.net/mountainexpressoil.com. The location of Debtor Mountain Express Oil Company's principal place of business and the Debtors' service address in these chapter 11 cases is 3650 Mansell Road, Suite 250, Alpharetta, GA 30022.

**TO THE HONORABLE DAVID R. JONES,
UNITED STATES BANKRUPTCY JUDGE:**

Janet Northrup (the “Trustee”), chapter 11 trustee of Mountain Express Oil Company and affiliated debtors (collectively, the “Debtors”), files this Emergency Motion for Status Conference (the “Motion”). In support of this Motion, the Trustee further states as follows:

Request for Emergency Consideration

The Trustee was appointed in this case on August 17, 2023. Immediately upon her appointment, the Trustee was faced with a liquidity crisis that threatens the Debtors’ continued operations through the coming days. As the Court is aware, prior to her appointment, Judge Marvin Isgur served as mediator in the hopes of resolving various disputes among the Debtors’ various constituents and formulating a path forward that keeps the Debtors alive as a going concern. The Trustee has continued to work with Judge Isgur as mediator and the various case constituents in their continued efforts. The Trustee requests a status conference with the Court to discuss proposed next steps.

Background

1. On March 18, 2023 (the “Petition Date”), the Debtors filed these jointly administered chapter 11 cases. The Debtors operated as debtors in possession until the Trustee was appointed on August 17, 2023.

2. After months of the Debtors attempting to sell their assets, on August 16, 2023, the DIP Agent filed the *DIP Agent’s Emergency Motion to Appoint Chapter 11 Trustee, or in the Alternative, Convert These Chapter 11 Case to Case Under Chapter 7* [Docket No. 1280].

3. On August 17, 2023, following the Court’s *Order Directing the Appointment of a Chapter 11 Trustee* [Docket No. 1284], the United States Trustee filed a *Notice of Appointment of*

Chapter 11 Trustee [Docket No, 1286], and appointed Janet S. Northrup to serve as the chapter 11 trustee in these cases.

4. Since her appointment, the Trustee and her counsel have had continuous meetings with Judge Isgur as mediator, the DIP Lenders and various other constituents in these cases. The Trustee has determined, in consultation with her advisors, that a status conference with the Court is necessary to discuss the status of those discussions and potential paths forward.

Relief Requested

5. The Trustee requests that the Court hold a status conference on August 21, 2023 at 8:00 a.m. At the hearing, the Trustee may ask the Court to approve bidding procedures and/or similar relief related to the Debtors' assets.

Accordingly, the Trustee requests that the Court enter an order substantially in the form attached hereto and for such other relief as is just.

[Signature Page to Follow]

Dated: August 20, 2023

Respectfully Submitted,

By: /s/ Joshua W. Wolfshohl

PORTER HEDGES LLP

Joshua W. Wolfshohl (TX Bar No. 24038592)

Megan Young-John (TX Bar No. 24088700)

1000 Main St., 36th Floor

Houston, Texas 77002

Telephone: (713) 226-6000

Facsimile: (713) 226-6248

jwolfshohl@porterhedges.com

myoung-john@porterhedges.com

- and -

s/ Wayne Kitchens

Wayne Kitchens

SBN 11541110

Heather Heath McIntyre

SBN 24041076

HUGHES WATTERS ASKANASE, LLP

Total Energies Tower

1201 Louisiana Street, Suite 2800

Houston, Texas 77002

Phone: 713-759-0818

Fax: 713-759-6834

Email: wkitchens@hwa.com

hmcintyre@hwa.com

Proposed Counsel for the

Chapter 11 Trustee, Janet Northrup

CERTIFICATE OF SERVICE

I hereby certify that on August 20, 2023 a true and correct copy of the foregoing document was served by the Electronic Case Filing System for the United States Bankruptcy Court for the Southern District of Texas, and will be served as set forth in the Affidavit of Service filed by the Debtors' claims, noticing and solicitation agent.

/s/ Joshua W. Wolfshohl

Joshua Wolfshohl